

PUBLIC LAWS

OF THE

STATE OF MAINE.

Chapter 252.

AN ACT providing for the acceptance of the public money, apportioned to the State of Maine, on deposit, by the Government of the United States.

Be it enacted by the Senate and House of Representatives in Legislature assembled, That the Treasurer of this State is hereby authorized to receive on the terms prescribed in the thirteenth section of the Act of Congress, entitled "An Act to regulate the deposits of the public money," approved the twenty-third day of June, eighteen hundred and thirty-six, the proportion of the moneys thereby directed to be deposited with the several States which may, according to the provisions of that section, be deposited with this State, and to sign and deliver to the Secretary of the Treasury of the United States such certificates of deposits therefor as may be required under the provisions of that section, and to pledge the faith of this State for the safe keeping and repayment thereof in such manner as may be necessary to entitle the Treasurer to receive, for and in behalf of this State, said proportion of the monies before mentioned:

Treasurer of
State to receive
the proportion of
surplus funds be-
longing to Maine.

[Approved by the Governor January 26, 1837.]

MILITIA.

423

missioned Officer or private so appointed, shall refuse or neglect to perform all or any of the duties of said office during said term, (except keeping the records,) he shall forfeit and pay not less than ten nor more than twenty dollars. And in case of the absence, sickness, or other inability of the Clerk of any Company, the commanding Officer thereof may appoint a Clerk pro tempore; or upon satisfactory evidence that no member of the Company will accept the office pro tempore, he may order any non-commissioned Officer or private in like manner to perform all the duties of the office of Clerk (except keeping the records,) until the Clerk shall be able to perform the same, or some other person be appointed, not exceeding the term of three months; and any person so ordered, refusing or neglecting to perform all the duties of said office (except keeping the records,) shall forfeit and pay not less than ten nor more than twenty dollars. In all such cases the records of the Company shall be kept by the commanding Officer as long as such vacancy, absence, sickness or other inability shall continue; and the records so kept shall be competent evidence of such orders and temporary appointments, as well as of all other matters of which such records would be evidence if kept by the Clerk.

Penalty for their refusing to perform said duty.

—Clerk pro tem. may be appointed in case of absence or sickness of Clerk.

Penalty for refusing to perform said duty.

Records to be kept by commanding Officer, and to be competent evidence.

SECT. 4. *Be it further enacted*, That all fines and forfeitures incurred in neglecting military duty, by members of any Company without Officers, (except forfeitures for refusing to give notice when ordered by the Officer detailed to command such Company, as provided in the second section of this Act or by the commanding Officer of the Regiment; and except forfeitures incurred by Clerks in neglecting to return the roll as required by the first section of this Act,) shall be prosecuted and collected by the Officer detailed to command said Company as provided in the second section of this Act, substantially in the manner that Clerks of Companies are

How fines are to be collected and how to be disposed of.

authorized and required to do by "An Act to organize, govern and discipline the Militia of this State," passed March 8, A. D. 1834, to which this is additional; one half of the amount recovered to be to the use of the Regiment, and the other half to the use of the Officer; and the Officer so prosecuting shall be a competent witness in the case. All fines and forfeitures incurred under the first, second and third sections of this Act, shall be recovered by indictment, or by action on the case, by any person whatever, one half of the sum recovered to be to the use of the State, and the other half to the use of the prosecutor.

SECT. 5. *Be it further enacted,* That no No idiot, lunatic, common drunkard, vagabond, pauper, or person convicted of any infamous crime to be eligible for office,—nor unless able bodied, &c., &c. idiot, lunatic, common drunkard, vagabond, pauper, nor any person convicted of any infamous crime, nor any other than white, able-bodied, male citizens, shall be eligible to any office in the Militia; and whenever it shall appear to the Commander-in-Chief, that any person thus ineligible has received a majority of votes cast at any election of Officers, he shall not commission him, but, with the advice and consent of the Council, shall declare said election null and void, and appoint some person to fill the vacancy. —vacancy to be filled.

SECT. 6. *Be it further enacted,* That all students attending any of the several colleges, academies or seminaries of this State, shall be holden and compelled to do military duty as other persons, in the town where said colleges, academies or seminaries are established. Students in Colleges made liable to do military duty.

SECT. 7. *Be it further enacted,* That whenever any Company shall be paraded, the commanding Officer thereof is hereby authorized verbally to notify the men so paraded, to appear on some future day not exceeding thirty days from the time of such notification, for any military duty required by law, and such notification shall be legal as it respects the men present. Verbal notice to appear on a future day may be given on parade.

MILITIA.

425

SECT. 8. *Be it further enacted*, That all commanding officers, subaltern Officers, and all Clerks of Companies be and they hereby are made competent witnesses in law, to testify to all or any facts within their knowledge, in any suit commenced by said Clerk or commanding Officer, for the collection of any fine or forfeiture named in this Act, or in the several Acts to which this is additional.

Officers and Clerks of Companies made witnesses.

SECT. 9. *Be it further enacted*, That whenever any action shall have been commenced, for any fine or forfeiture, by any Clerk of any Company, and said Clerk shall die, resign or refuse, or in any other way be disqualified to prosecute said suit so commenced, it shall be lawful and is hereby made the duty of the commanding Officer of the Company, to assume and prosecute said suit to final judgment and execution; and whenever any fine or forfeiture shall have been incurred by any private or non-commissioned Officer of any Company, and there shall be no Clerk, or the Clerk shall resign or die, or be disqualified, it shall be lawful for any Clerk appointed after said fine or forfeiture has been incurred, to sue for and recover the same; *Provided* said action shall be commenced within the time prescribed by law.

In case of death of Clerk, commanding Officer, to continue prosecution for fines to final judgment—and to commence them where there is no Clerk.

SECT. 10. *Be it further enacted*, That a copy of the record of any Court Martial, certified by the President of such Court, together with a duly authenticated copy of the order convening said Court, shall be conclusive and sufficient evidence to sustain in any Court, any action commenced for the recovery of any fine and costs, or part costs, or either, agreeably to the provisions of an Act to which this is additional.

Copy of records of Courts Martial made evidence in cases.

SECT. 11. *Be it further enacted*, That if any Captain or commanding Officer shall neglect or refuse to make, or cause to be made, a return of the state of his Company as it existed on the day of the annual inspection in May, to the command-

Fine imposed on commanding Officers who neglect to make returns of the May inspection.